

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
v.)
CRIMINAL NO. 04-10111-MEL
1. JERMAINE ANDERSON,)
a/k/a "TONY,")
2. ALFRED G. RYAN and)
3. COREY SMITH,)
a/k/a "BLACK" and)
"BLACKIE,")
Defendants.)

GOVERNMENT'S ADDENDUM TO JOINT FINAL STATUS CONFERENCE REPORT

Now comes the United States of America, by and through the undersigned counsel, and submits for the Court's consideration the following Addendum to the Joint Final Status Conference Report ("Joint Report") filed earlier today on behalf of all the parties. The undersigned appreciates and is grateful for the efforts made by defense counsel to prepare and confer concerning the Joint Report (especially since the government learned this morning that two defense counsel have experienced recent health issues). Unfortunately, the undersigned was in court before Judge O'Toole in an evidentiary sentencing hearing which lasted all morning and adjourned at 1:00 p.m. Consequently, the undersigned was not able to review, let alone comment on, the Joint Report in draft form before it had been filed electronically to comply with the noon filing deadline established by Magistrate Judge Collings.

In order to protect the government's position on certain matters, at least as a matter of record, the undersigned offers the following observations or corrections concerning the Joint Report (the headings below correspond to the headings in the Joint Report):

DISCOVERY RULES NOT YET RESOLVED

There was no "informant" involved in the controlled buys from these three defendants. Therefore, no discovery is outstanding with respect to an informant. Nor has the government withheld any "exculpatory" materials or information. In fact, in its automatic discovery letter, the government stated that it is not aware of any such materials or information. Although the government is not aware of any Giglio information concerning its potential witnesses which has not already been disclosed, the Joint Report correctly states that no such disclosures are required at this time.

ADDITIONAL DISCOVERY TO BE PROVIDED

The government does agree to produce additional Giglio information, if any, 21 days before a firm trial date for all three defendants.

NOTICE OF ALIBI

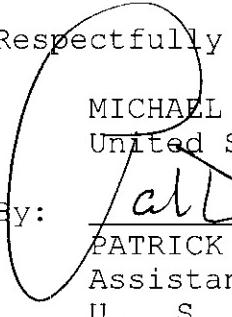
In its automatic discovery letter, the government did request notice of an alibi and no such notice has been received.

MOTIONS TO SEVER/DISMISS/SUPPRESS

On or about August 4, 2004, defendant Corey Smith filed an

assented-to motion to extend until September 3, 2004 his time within which to file any motion. That extension was granted by Magistrate Judge Collings on or about August 11, 2004. The government is not aware of any factual basis for a motion for a severance of defendants or charges; for a motion to suppress evidence; or to dismiss the indictment.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney
By: 
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Assistant U.S. Attorney
U. S. Attorney's Office
John Joseph Moakley
United States Courthouse
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Boston, MA 02210
(617) 748-3251

Date: September 16, 2004

CERTIFICATE OF SERVICE

I, Patrick M. Hamilton, do hereby certify that a copy of the foregoing has been served this date by facsimile transmission upon Walter H. Underhill, Jr., Esq., 66 Long Wharf, Boston, MA 02110, counsel of record for defendant Jermaine Anderson; John A. Amabile, Esq., Amabile & Burkly, P.C., 197 Portland Street, Boston, MA 02114, counsel of record for defendant Alfred G. Ryan; and Michael C. Bourbeau, Esq., Bourbeau & Bonilla, 77 Central Street, Boston, MA 02109, counsel of record for defendant Corey Smith.

Date: September 16, 2004


Patrick M. Hamilton